

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4556-02
Bill No.: SB 590
Subject: Education, Elementary and Secondary; Crimes and Punishment; Immigration;
Law Enforcement Officers and Agencies
Type: Original
Date: January 13, 2012

Bill Summary: This proposal modifies the law relating to unlawfully present aliens.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	(\$156,000)	(\$43,000)	(\$43,000)
Total Estimated Net Effect on General Revenue Fund	(\$156,000)	(\$43,000)	(\$43,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

☒ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** state this proposal has no fiscal impact on the Courts.

Officials from the **Missouri House of Representatives** and the **Department of Public Safety - Missouri State Highway Patrol** state this proposal will have no fiscal impact on their respective agencies.

Officials from the **Department of Public Safety - Office of the Director** assume that any costs associated with this proposal can be absorbed with existing resources.

Officials from the **Missouri Senate** state this proposal either has no fiscal impact as it relates to their agency or minimal costs which can be absorbed by present appropriations.

Officials from the **Office of Attorney General (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources, but AGO may seek additional appropriation if it receives significant applications regarding possible waivers pursuant to §161.245.7 of the proposal.

Officials from the **Office of Prosecution Services (OPS)** state there is no measurable fiscal impact to OPS. The creation of a new crime creates additional responsibilities for county prosecutors which may in turn result in additional costs which are difficult to determine.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are faced with the enhanced penalties for willful failure to complete or carry an alien registration document which will become a new class C misdemeanor.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation. Willful failure to complete or carry an alien registration document if the person is unlawfully present and in violation of 8 U.S.C. 1304 or 8 U.S.C. 1306 which requires certain persons to carry alien registration documents, apply for alien registration, and be fingerprinted is a class C misdemeanor.

Oversight assumes the SPD can absorb the additional caseload that may result from this

proposal.

ASSUMPTION (continued)

§161.245

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal requires districts to verify student's origin of birth and legitimacy of U.S. residency and report that information to DESE annually. DESE must take this information along with Limited English Proficiency (LEP) data and provide two reports to the State Board of Education. The first report requires analytical indicators to be developed that measure the impact of educating the students who lack legitimate U.S. residency upon the quality of education for the rest of the student body. The second report measures the financial impact of students who lack legitimate U.S. residency. The State Board of Education then must present an executive report to the legislature.

Costs to DESE include:

\$ 18,000 Data Collection Charges
\$ 95,000 Developing Analytical Indicators (Work with the University of Missouri)
\$ 35,000 Report to School Board (Work with the University of Missouri)
\$ 8,000 Report to General Assembly
\$156,000

After the first year, the only recurring costs will be compilation of the report at a cost of \$43,000 per year.

Regarding costs to school districts associated with this proposal, DESE states that some Student Information Systems (SIS) may include this data already; however, there could be additional cost associated with extraction and submittal to DESE. Through discussion with a vendor, it is DESE's understanding that most SIS vendors would probably not charge the districts for adding or extracting the data. Fiscal costs to districts would likely be limited to planning and altering their enrollment process. These costs will not likely be significant.

Officials from the **Boone County Sheriff's Department** state there will be no costs to their Department resulting from this proposed legislation.

Officials from the **Parkway School District** state this proposal may have some administrative costs attached but not significant since they already ask for birth certificates.

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ASSUMPTION (continued)

Officials from the **Special School District of St Louis County (SSD)** assume this proposal will not have a material fiscal impact since SSD usually only enrolls students already enrolled in the St Louis County districts they serve.

Officials from the **St Joseph School District** estimated a minimum annual cost of \$50,000 based on information available in the proposal as written.

Oversight assumes this information is readily available when a student enrolls and any additional administrative costs would be minimal.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
GENERAL REVENUE			
<u>Cost</u> - Department of Elementary and Secondary Education - Data collection and analysis (§161.245)	<u>(\$156,000)</u>	<u>(\$43,000)</u>	<u>(\$43,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(\$156,000)</u>	<u>(\$43,000)</u>	<u>(\$43,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

§161.245

This proposed legislation states that all public elementary and secondary schools shall determine whether enrolling students are born outside of the United States or are children of an unlawfully present alien at the time of enrollment by checking students' original birth certificates or certified

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FISCAL DESCRIPTION (continued)

copies. If it is determined that a student was born outside of the United States or is the child of an unlawfully present alien, the parent or guardian shall notify the school of the actual citizenship or immigration status of the child with accompanying documentation.

The State Board of Education shall compile and submit an annual report to the General Assembly containing information regarding immigration classifications of enrolled students, numbers of participants in English as a second language programs, and the effects of education quality as a result of enrollment of unlawfully present aliens and the costs associated

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Elementary and Secondary Education

Office of Attorney General

Department of Public Safety

Office of the Director

Missouri State Highway Patrol

Office of Prosecution Services

Office of State Public Defender

Office of State Courts Administrator

Missouri House of Representatives

Missouri Senate

Local Law Enforcement

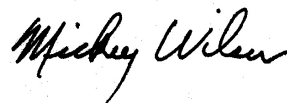
Boone County Sheriff's Department

School Districts

Parkway

Special School District of St Louis County

St Joseph



L.R. No. 4556-02
Bill No. SB 590
Page 7 of 7
January 13, 2012

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January 13, 2012

LMD:LR:OD